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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7322 of 2007

PETITIONER		Devendra Kumar Yadu, s/o Shri K.K. Yadu, Aged about 59 years, Accountant, Block Development Education Office, Kawardha, Distt. Kabirdham (C.G.).
		Versus
RESPONDENTS	**1**	State of Chhattisgarh, Through Special Secretary, Education Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).
	2	The District Education Officer, Kawardha, Distt. Kabirdham (C.G).
	3.	The Block Development Education Officer, Kawardha, Distt. Kabirdham (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Deepak Jain, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate appears for the State/respondents on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

The petitioner, who is working on the post of Accountant in Block Development Office, Kawardha, has been transferred to Dongriya, Distt. Bilaspur, on administrative grounds by order dated 21.9.2007/05.10.2007 (Annexure P-3). Learned counsel for the petitioner argues that the date of birth of the petitioner is 21.10.1948, therefore, the petitioner will have to retire on 31.10.2008. He submits that in this manner, the petitioner is to retire just after 11 months from the date of passing of the impugned order (Annexure P-3). He further submits that according to Clause-7 of the transfer policy dated 13th June 2007, if a person is to retire within a period of one year, his case shall be

governed by the said Clause of the Policy. His submission is that in view of the said policy, the order appears to be bad in law.

I have gone through the contents of the petition and have also gone through the clause 7 of the transfer policy. In the opinion of this Court, ends of justice would be served if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the same within the stipulated period granted by this court keeping in mind that only about 11 months are left for retirement of the petitioner.

Accordingly, this petition is disposed of with a direction that the petitioner, if so advised, may file a detailed representation before the concerned authority within a period of 3 weeks from today along-with a copy of this order and copy of the writ petition raising his grievance and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of two months from the date of production/receipt of the said representation keeping in mind the provisions of Clause 7 of the said Policy.

It is further directed that in the meanwhile, the effect and operation of the impugned order dt.21.9.2007 shall remain stayed and the petitioner shall be allowed to continue there at Block Education Office, Kawardha.

This petition stands finally disposed off with the aforesaid observations.

C.c. as per rules.

Sd/-
Sunil Kumar Sinha
Judge